UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/760,730	01/17/2001	Yoshihiro Masuda	108359	4837

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EXAMINER
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ART UNIT	PAPER NUMBER
3623	

DATE MAILED: 10/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

		Application No.	Applicant(s)
		09/760,730	MASUDA ET AL.
Office Action Summary		Examiner	Art Unit
		Susanna M. Diaz	3623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>04 August 2005</u>.

2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-4, 6-11 and 13-16* is/are pending in the application.

    4a) Of the above claim(s) *2* is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1,3,4,6-11 and 13-16* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☒ All   b)☐ Some * c)☐ None of:

      1. ☒ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1.   A request for continued examination under 37 CFR 1.114, including the fee set

forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this

application is eligible for continued examination under 37 CFR 1.114, and the fee set

forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action

has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on August

4, 2005 has been entered.

Claims 1, 6, 7, 9, 10, 13, and 15 have been amended.

Claim 2 stands as withdrawn.

Claims 1, 3, 4, 6-11, and 13-16 are presented for examination.

2.   Some of the rejections under 35 U.S.C. § 112 have been withdrawn in response

to Applicant's amendments; however, these amendments do not sufficiently remedy all

of the rejections. Such rejections are maintained, as set forth below.

Response to Arguments

3.   Applicant's arguments filed August 4, 2005 have been fully considered but they

are not persuasive.

Applicant argues that "selecting a particular printer to print the print jobs stored in

the data center is not the selection of a candidate executive element, i.e., an activity, but

instead, is the selection of a physical device, i.e., the printer to print a particular print

job. The fact that certain types of print jobs (tasks) require the use of certain printers

(devices) does not change the fact that a physical device (printer) is selected to print a

print job." (Page 2 of Applicant's response) However, for each job in Stuart, a set of

required tasks is identified (see at least col. 6, lines 1-6, which teaches that each print

job has a specific set of requirements and Fig. 6 shows a table that identifies the various

work processes, including tasks, through which each print job passes), i.e., executive

elements (e.g., print jobs) are classified into processible tasks and managed. Then, a

device that can handle each required task is assigned as needed (col. 6, lines 3-5,

which states that specific devices can be called upon for a given print job), i.e., a

candidate executive element that can process each of the tasks based on the

classification (e.g., task and/or device that can perform the required task) is selected.

The printers are tied to certain types of printing activities, especially those types of

activities that can only be completed by a certain subset of available printers.

Therefore, by selecting the appropriate printer for a given activity, it is understood that

the activity to be assigned to the printer is effectively selected as well. Furthermore, the

mere allocation of activities implies a selection of each activity as part of the assignment

process.

Claim Rejections - 35 USC § 112

4.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly
> claiming the subject matter which the applicant regards as his invention.

5.   Claims 1, 3, 4, 6-11, and 13-16 are rejected under 35 U.S.C. 112, second

paragraph, as being indefinite for failing to particularly point out and distinctly claim the

subject matter which applicant regards as the invention.

Claims 1, 3, 4, 6-11, and 13 recite "executive elements." What does "executive"

signify in the scope of the present invention? "Executive" has many interpretations and

Applicant's intended interpretation is unclear. For examination purposes, an "executive

element" will be interpreted as any part or element related to planning a project.

Claims 1, 3, 4, and 6 recite various "means" for performing different types of

functionality; however, the specification does not utilize the term "means" to refer to any

specific structural elements. Therefore, the scope of the various recited "means" is

unclear. In other words, it is not clear whether these recited "means" refer to humans,

software *per se*, software executed by hardware, hardware, or a combination thereof.

For examination purposes, the recited "means" are interpreted as hardware or software

executed by hardware. Please note that, if this is not Applicant's assertion, a rejection

of claims 1, 3, 4, and 6 under 35 U.S.C. § 101 may be raised in the future.

Claim 1 recites "managing the classified executive elements" in line 5. The

scope of "managing" is not clear. Does it imply an active process of overseeing the

usage of executive elements can it merely refer to a more passive process, e.g., merely

storing data regarding the item(s) to be managed? The same rejection applies to claims

6, 7, 9, 10, and 13 since they recite similar limitations.

Appropriate correction is required.

In light of the numerous rejections of the claims under 35 U.S.C. § 112, 2nd

paragraph, the following art rejection reflects Examiner's best understanding of the

claimed invention.

Claim Rejections - 35 USC § 102

6.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7.   Claims 1, 3, 4, 6-11, and 13-16 are rejected under 35 U.S.C. 102(e) as being

anticipated by Stuart (U.S. Patent No. 6,466,935).

Stuart discloses an element organization support apparatus for selecting, for a

project including plural tasks, executive elements for individual tasks and supporting

organization of the plural executive elements, the apparatus comprising:

[Claim 1]   executive element management means for classifying executive elements

into processible tasks and managing the classified executive elements (Fig. 6; col. 4,

lines 56-63; col. 6, lines 1-14 -- For example, for each job, a set of required tasks is

identified (see at least col. 6, lines 1-6, which teaches that each print job has a specific

set of requirements and Fig. 6 shows a table that identifies the various work processes,

including tasks, through which each print job passes), i.e., executive elements (e.g.,

print jobs) are classified into processible tasks and managed. Then, a device that can

handle each required task is assigned as needed (col. 6, lines 3-5, which states that

specific devices can be called upon for a given print job), i.e., a candidate executive

element that can process each of the tasks based on the classification (e.g., task and/or

device that can perform the required task) is selected); and

selecting means for selecting a candidate executive element from the executive

element management means that can process each of the tasks of a project that

includes plural tasks, the selecting being based on the classification (col. 6, lines 1-14,

22-45, 64-67 -- For example, for each job, a set of required tasks is identified (see at

least col. 6, lines 1-6, which teaches that each print job has a specific set of

requirements and Fig. 6 shows a table that identifies the various work processes,

including tasks, through which each print job passes), i.e., executive elements (e.g.,

print jobs) are classified into processible tasks and managed. Then, a device that can

handle each required task is assigned as needed (col. 6, lines 3-5, which states that

specific devices can be called upon for a given print job), i.e., a candidate executive

element that can process each of the tasks based on the classification (e.g., task and/or

device that can perform the required task) is selected);

[Claim 3]   wherein the executive element management means includes a memory

for storing at least element information that identifies a task processible by each

executive element, and the selecting means selects, on the basis of the element

information, a candidate executive element for processing each task required in a

project (Fig. 6; col. 6, lines 1-14, 22-45; col. 7, lines 57-65);

[Claim 4]   wherein the element information further includes data regarding

processing time, and the selecting means, where there are plural candidate executive

elements for a given task, rearranges the plural candidate executive elements according

to the processing time and presents the rearranged candidate executive elements (col.

6, lines 1-14; col. 11, lines 3-24);

[Claim 14]   wherein each one of the classified executive elements identifies an activity

which is stored as an identifier in a database (For each job, a set of required tasks is

identified (see at least col. 6, lines 1-6, which teaches that each print job has a specific

set of requirements and Fig. 6 shows a table that identifies the various work processes,

including tasks, through which each print job passes), i.e., executive elements (e.g.,

print jobs) are classified into processible tasks and managed. Then, a device that can

handle each required task is assigned as needed (col. 6, lines 3-5, which states that

specific devices can be called upon for a given print job), i.e., a candidate executive

element that can process each of the tasks based on the classification (e.g., task and/or

device that can perform the required task) is selected. Fig. 6 and col. 6, lines 1-6 show

identifiers for various activities);

[Claim 15]   wherein the candidate executive element is selected based on at least one

of an operation name and an operation subject name of the classification (col. 6, lines 1-

14, 22-45, 64-67 -- For example, for each job, a set of required tasks is identified by

name and type);

[Claim 16]   wherein each one of the processible tasks is represented by a name of

operation (For each job, a set of required tasks is identified (see at least col. 6, lines 1-

6, which teaches that each print job has a specific set of requirements and Fig. 6 shows

a table that identifies the various work processes, including tasks, through which each

print job passes), i.e., executive elements (e.g., print jobs) are classified into processible

tasks and managed. Then, a device that can handle each required task is assigned as

needed (col. 6, lines 3-5, which states that specific devices can be called upon for a

given print job), i.e., a candidate executive element that can process each of the tasks

based on the classification (e.g., task and/or device that can perform the required task)

is selected. Fig. 6 and col. 6, lines 1-6 show the names of various tasks).

Stuart discloses an element organization support apparatus for selecting, for use

in the accomplishment of a job asking by a customer, an executive element for each of

plural tasks involved in the job, and supporting organization of the plural executive

elements to accomplish the job, comprising:

[Claim 6]   executive element management means for classifying executive elements

into processible tasks and managing the classified executive elements (Fig. 6; col. 4,

lines 56-63; col. 6, lines 1-14 -- For example, for each job, a set of required tasks is

identified (see at least col. 6, lines 1-6, which teaches that each print job has a specific

set of requirements and Fig. 6 shows a table that identifies the various work processes,

including tasks, through which each print job passes), i.e., executive elements (e.g.,

print jobs) are classified into processible tasks and managed. Then, a device that can

handle each required task is assigned as needed (col. 6, lines 3-5, which states that

specific devices can be called upon for a given print job), i.e., a candidate executive

element that can process each of the tasks based on the classification (e.g., task and/or

device that can perform the required task) is selected); and

selecting means for selecting a candidate executive element from the executive

element management means that can process each of the tasks of a project that

includes plural tasks, the selecting being based on the classification (col. 6, lines 1-14,

22-45, 64-67 -- For example, for each job, a set of required tasks is identified (see at

least col. 6, lines 1-6, which teaches that each print job has a specific set of

requirements and Fig. 6 shows a table that identifies the various work processes,

including tasks, through which each print job passes), i.e., executive elements (e.g.,

print jobs) are classified into processible tasks and managed. Then, a device that can

handle each required task is assigned as needed (col. 6, lines 3-5, which states that

specific devices can be called upon for a given print job), i.e., a candidate executive

element that can process each of the tasks based on the classification (e.g., task and/or

device that can perform the required task) is selected).

Stuart discloses a service providing method comprising:

[Claim 7]   classifying plural executive elements for executing tasks constituting in

advance various services into processible tasks and managing the classified executive

elements, each of the executive elements including at least one of human and physical

elements (Fig. 6; col. 4, lines 56-63; col. 6, lines 1-14 -- For example, for each job, a set

of required tasks is identified (see at least col. 6, lines 1-6, which teaches that each print

job has a specific set of requirements and Fig. 6 shows a table that identifies the various

work processes, including tasks, through which each print job passes), i.e., executive

elements (e.g., print jobs) are classified into processible tasks and managed. Then, a

device that can handle each required task is assigned as needed (col. 6, lines 3-5,

which states that specific devices can be called upon for a given print job), i.e., a

candidate executive element that can process each of the tasks based on the

classification (e.g., task and/or device that can perform the required task) is selected);

receiving a request for organizing, for the accomplishment of a specific service

asked by a customer, executive elements for processing the specific service (Fig. 6; col.

4, lines 56-63; col. 6, lines 1-14);

analyzing, by a processor, as instructed by the customer, tasks required for the

specific service (Fig. 6; col. 4, lines 56-63; col. 6, lines 1-14); and

selecting by a processor from the executive elements classified and managed,

on the basis of the result of the analysis, an executive element for executing each of the

tasks of a project that includes plural tasks, the selecting being based on the

classification (col. 6, lines 1-14, 22-45, 64-67 -- For example, for each job, a set of

required tasks is identified (see at least col. 6, lines 1-6, which teaches that each print

job has a specific set of requirements and Fig. 6 shows a table that identifies the various

work processes, including tasks, through which each print job passes), i.e., executive

elements (e.g., print jobs) are classified into processible tasks and managed. Then, a

device that can handle each required task is assigned as needed (col. 6, lines 3-5,

which states that specific devices can be called upon for a given print job), i.e., a

candidate executive element that can process each of the tasks based on the

classification (e.g., task and/or device that can perform the required task) is selected);

[Claim 8]   allowing the customer to evaluate the result of the organization of the

executive elements (col. 6, lines 11-14 -- Penalties and incentives are assessed based

on an agreement with a customer. If the customer's needs are met, i.e., the customer is

satisfied that the conditions of the agreement are met, the printer is given an incentive.

Otherwise, if the customer's needs are not met, i.e., the customer is not satisfied that ·

the conditions of the agreement are met, then penalties are assessed against the

printer. This evaluation of whether or not conditions of the agreement have been met is

effectively a customer evaluation of the organization); and

receiving, as the organizer of the executive elements, the evaluation and holding

the evaluation in association with information concerning the organization of the

executive elements provided to the customer (col. 6, lines 11-14 -- Penalties and

incentives are assessed based on an agreement with a customer. If the customer's

needs are met, i.e., the customer is satisfied that the conditions of the agreement are

met, the printer is given an incentive. Otherwise, if the customer's needs are not met,

i.e., the customer is not satisfied that the conditions of the agreement are met, then

penalties are assessed against the printer. This evaluation of whether or not conditions

of the agreement have been met is effectively a customer evaluation of the

organization).

Stuart discloses an element organization support method executable by a

processor for selecting, for a project including plural tasks, executive elements for

individual tasks and supporting organization of the plural executive elements, the

method comprising:

[Claim 9]   classifying by the processor the executive elements into processible tasks

in advance and managing the classified executive elements (Fig. 6; col. 4, lines 56-63;

col. 6, lines 1-14 -- For example, for each job, a set of required tasks is identified (see at

least col. 6, lines 1-6, which teaches that each print job has a specific set of

requirements and Fig. 6 shows a table that identifies the various work processes,

including tasks, through which each print job passes), i.e., executive elements (e.g.,

print jobs) are classified into processible tasks and managed. Then, a device that can

handle each required task is assigned as needed (col. 6, lines 3-5, which states that

specific devices can be called upon for a given print job), i.e., a candidate executive

element that can process each of the tasks based on the classification (e.g., task and/or

device that can perform the required task) is selected); and

searching by the processor the executive elements classified and managed for

an executive element to execute each task and selecting the executive element from

the executive elements classified and managed that can process each of the tasks of a

project that includes plural tasks, the selecting being based on the classification (col. 6,

lines 1-14, 22-45, 64-67 -- For example, for each job, a set of required tasks is identified

(see at least col. 6, lines 1-6, which teaches that each print job has a specific set of

requirements and Fig. 6 shows a table that identifies the various work processes,

including tasks, through which each print job passes), i.e., executive elements (e.g., print jobs) are classified into processible tasks and managed. Then, a device that can handle each required task is assigned as needed (col. 6, lines 3-5, which states that specific devices can be called upon for a given print job), i.e., a candidate executive element that can process each of the tasks based on the classification (e.g., task and/or device that can perform the required task) is selected).

Stuart discloses a computer-readable storage medium storing thereon a program executable by a processor for selecting, for a project including plural tasks, executive elements for individual tasks and thereby supporting organization of the plural executive elements, the program comprising:

[Claim 10]   a first module for classifying the executive elements into processible tasks in advance and managing the classified executive elements (Fig. 6; col. 4, lines 56-63; col. 6, lines 1-14 -- For example, for each job, a set of required tasks is identified (see at least col. 6, lines 1-6, which teaches that each print job has a specific set of requirements and Fig. 6 shows a table that identifies the various work processes, including tasks, through which each print job passes), i.e., executive elements (e.g., print jobs) are classified into processible tasks and managed. Then, a device that can handle each required task is assigned as needed (col. 6, lines 3-5, which states that specific devices can be called upon for a given print job), i.e., a candidate executive element that can process each of the tasks based on the classification (e.g., task and/or device that can perform the required task) is selected); and

a second module for searching the executive elements classified and managed

for an executive element to execute each task required for a given service and selecting

the executive element from the executive elements classified and managed that can

process each of the tasks of a project that includes plural tasks, the selecting being

based on the classification (col. 6, lines 1-14, 22-45, 64-67 -- For example, for each job,

a set of required tasks is identified (see at least col. 6, lines 1-6, which teaches that

each print job has a specific set of requirements and Fig. 6 shows a table that identifies

the various work processes, including tasks, through which each print job passes), i.e.,

executive elements (e.g., print jobs) are classified into processible tasks and managed.

Then, a device that can handle each required task is assigned as needed (col. 6, lines

3-5, which states that specific devices can be called upon for a given print job), i.e., a

candidate executive element that can process each of the tasks based on the

classification (e.g., task and/or device that can perform the required task) is selected);

[Claim 11]   wherein the first module calls a program performing the classification and

management of the executive elements, and the second module calls a program

searching for and selecting the executive element (col. 6, lines 1-14, 22-45, 64-67; col.

10, line 35 through col. 11, line 34).

Stuart discloses an element organization support system, comprising:

[Claim 13]   a database server for classifying data pieces regarding plural executive

elements for executing individual tasks constituting various services into processible

tasks, and managing the executive elements, the data pieces regarding executive

elements including at least one of human and physical elements (Fig. 6; col. 4, lines 56-

63; col. 6, lines 1-14 -- For example, for each job, a set of required tasks is identified

(see at least col. 6, lines 1-6, which teaches that each print job has a specific set of

requirements and Fig. 6 shows a table that identifies the various work processes,

including tasks, through which each print job passes), i.e., executive elements (e.g.,

print jobs) are classified into processible tasks and managed. Then, a device that can

handle each required task is assigned as needed (col. 6, lines 3-5, which states that

specific devices can be called upon for a given print job), i.e., a candidate executive

element that can process each of the tasks based on the classification (e.g., task and/or

device that can perform the required task) is selected);

a reception server for receiving a request for preparation of organization of

executive elements for processing a specific service asked by a customer (Fig. 6; col. 4,

lines 56-63; col. 6, lines 1-14); and

an analysis server for analyzing tasks required for the specific service as

instructed by the customer (Fig. 6; col. 4, lines 56-63; col. 6, lines 1-14), and selecting

from the database server, on the basis of the result of the analysis, a data piece

regarding an executive element for executing each of the tasks of a project that includes

plural tasks, the selecting being based on the classification (col. 6, lines 1-14, 22-45, 64-

67).

Conclusion

8.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Susanna M. Diaz whose telephone number is (571) 272-6733. The examiner can normally be reached on Monday-Friday, 10 am - 6 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on (571) 272-6729. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Susanna Diaz
Susanna M. Diaz
Primary Examiner
Art Unit 3623

October 1, 2005